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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,764	07/02/2003	James J. Solheid	2316.1785US01	7163

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EXAMINER
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NASRI, JAVAID H

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,764

Applicant(s)

SOLHEID ET AL.

Examiner

Javaid Nasri

Art Unit

2839

*RSW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/22/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 2 are objected to because of the following informalities:
  - a) In claim 1, line 8, change "optical connector" to -- optically connect --.

**Note: These are few examples only. Applicant is required to check all the claims and correct them accordingly.**

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a) In claim 2, line 3, "a dust cap" is already in claim 1, line 13.

**Note: These are few examples only. Applicant is required to check all the claims and correct them accordingly.**

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (5,497,444) in view of Ernst et al (5,825,955).

Wheeler discloses a top, a floor, a pair of opposing sides, a front wall and a rear wall defining an interior, the front including an access door for accessing the interior (see figure 25); a cable management structure; at least one adapter panel including a plurality of openings for mounting fiber optic adapters (see figure 7), at least one adapter (90) mounted within one of the openings in one of the at least one adapter panel, at least one fiber optic connector holder mounted within one of the openings of the at least one adapter panel, the connector holder including an opening configured to receive a fiber optic connector, the opening of the fiber optic connector holder accessible from a front side of the adapter panel,

However, Wheeler does not disclose:

- a) The adapter configured to optically connect two optical fiber cables terminated with fiber optic connectors, one cable on a rear side of the adapter and one cable on a front side of the adapter. Ernst et al discloses an adapter (36) configured to optical connector two optical fiber cables terminated with fiber optic connectors (12, 14), one cable on a rear side of the adapter and one cable on a front side of the adapter (see figure 1), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wheeler to have an adapter configured to optically connect two optical fiber cables terminated with fiber optic connectors, one cable on a rear side of the adapter and one cable on a front

side of the adapter in view of Ernst et al to minimize the size of the assembly.

- b) One connector with dust cap. Ernst et al discloses one connector (14) with dust cap (see figure 1), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wheeler to have a connector with a dust cap in view of Ernst et al in order to avoid any foreign particle to get into the connector.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (5,497,444) in view of Ernst et al (5,825,955) as applied to claim 1 above, and further in view of Waldron et al (6,234,683).

Wheeler in view of Ernst et al discloses all the limitations of claim 1, as shown above,

However, Wheeler in view of Ernst et al does not disclose:

- a) A ferrule with a polished end face. Waldron et al discloses a ferrule with a polished end face (see col. 9, lines 50-53), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wheeler in view of Ernst et al to have a ferrule with a polished end face in view of Waldron et al so as to eliminate environmental contaminants and debris.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (5,497,444) in view of Waldron et al (6,234,683).

Wheeler discloses a rack mounting structure; a cable management structure; a fanout panel mounted to the rack mounting structure; an adapter panel mounted to the rack mounting

structure, the adapter panel including a plurality of adapter openings sized to receive and mount fiber optic adapters (90) for optically connecting optical fibers within fiber optic cables terminated with fiber optic connectors, and a plurality of optical fiber adapters mounted within the openings, a cable connector holder panel mounted to the rack mounting structure, the cable connector panel including a plurality of openings sized similarly to the openings in the adapter panel and a plurality of fiber optic connector holders mounted within the openings, each of the fiber optic connector holders configured to receive a fiber optic connector, the cable management structure configured to direct a fiber optic cable from the fanout panel to each of the adapter panel and the cable connector holder panel and to store excess cable length.

However, Wheeler does not disclose:

- a) A dust cap. Waldron et al discloses a dust cap (250), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wheeler to have a dust cap in view of Waldron et al so as to eliminate any foreign particle from entering the connector.
- b) A ferrule with a polished end face. Waldron et al discloses a ferrule with a polished end face (see col. 9, lines 50-53), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wheeler to have a ferrule with a polished end face in view of Waldron et al so as to eliminate environmental contaminants and debris.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (5,497,444) in view of Ernst et al (5,825,955).

Wheeler discloses a first panel including an array of connector holders on the panel for selectively receiving a first plurality of connectors, the opposite end of the connector holders configured to not be matable with any of the connectors; a second panel including an array of adapters (90) on the panel for selectively receiving the first plurality of connectors not including dust caps on one end of the adapters,

However, Wheeler does not disclose:

- a) Dust caps. Ernst et al discloses dust caps (see figure 1), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wheeler to have dust cap in view of Ernst et al to eliminate entering of any foreign particle into the connector.
- b) The opposite ends of the adapters configured to be matable with a second plurality of connectors without dust caps. Ernst et al discloses the opposite ends of the adapters configured to be matable with a second plurality of connectors without dust caps (see figure 1), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wheeler to have the opposite ends of the adapters configured to be matable with a second plurality of connectors without dust caps in view of Ernst et al to minimize the size of the assembly.

9. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (5,497,444) in view of Waldron et al (6,234,683).

Wheeler in view of Waldron et al discloses all the structural limitations, as shown above,

However, in regard the claimed method language is counter part of the apparatus claimed. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to develop a particular method for the disclosed apparatus of the cited references.

***Contact***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any correspondence to this action may be mailed to:**

**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**



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For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003)*.

**Or faxed to:** 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to:**

**Crystal Plaza 4, Fourth Floor (receptionist)**

**2201 South Clark Place, Arlington, Virginia**



Javaid Nasri  
Primary Examiner  
Art Unit 2839

JN

jhn

May 26, 2004